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TECH CENTER 1600/2900  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. §1.116**

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Dear Sir:

The August 12, 2002 Official Action (Paper No. 22) and the January 8, 2003 Advisory Action (Paper No. 24) have been carefully reviewed. The present remarks, which are responsive to the Official Action dated August 12, 2002 in the above-identified patent application, are being filed as part of the submission required under 37 C.F.R. §1.114, in connection with the Request for Continued Examination, which is submitted concurrently herewith.

In the claims:

Please amend claims 37, 38, 40, 42, 46, 48 and 50, as follows:

37. (Twice Amended) A pesticidal composition comprising a proteinaceous material obtainable from a *Xenorhabdus nematophilus* species and which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1), said proteinaceous material having toxic activity when administered orally to an insect.